

PATENT APP. NO. 10/046,554
ATTY. DOCKET NO. 53394.000581
AMENDMENT IN RESPONSE TO 2/22/2005 OFFICE ACTION

III. REMARKS/ARGUMENTS

A. Status of the Claims

Claims 1-53 are pending in the application, of which claims 25-29 and 49-53 were previously withdrawn from further consideration as being drawn to a non-elected species. Currently, claims 1-24 and 30-48 stand rejected by the Examiner. By this amendment claims 1, 30 and 33 are amended. No new matter is added. Applicant respectfully requests reconsideration of the rejections of 1-24 and 30-48 for at least the following reasons.

B. Election/Restriction

The Office Action alleges that in the reply filed July 29, 2004, the Applicant elected Species 4. Applicant respectfully points out that, as set forth in the replies of July 29, 2004, and December 1, 2004, Applicant instead elected Species 3 (corresponding to Figure 4), on which claims 1-24 and 30-48 are believed to read.

C. Claim Objections

The Office Action objects to claim 33 because of informalities. By this amendment, claim 33 has been amended to replace the word "leas" with "least." Applicant respectfully submits that this amendment renders the Examiner's objection moot, and respectfully requests withdrawal of the objection.

D. Claim Rejections

1. Claim Rejections under 35 U.S.C. § 102

Claims 1-14, 17-38, and 41-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,068,620 to Chmielewski ("Chmielewski"). The Applicant respectfully traverses this rejection and requests reconsideration and allowance of the pending claims in view of the following remarks.

A claim is anticipated by a reference only if "each and every element as set forth in the claim is found, either expressly or inherently described" in the reference.

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Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). With respect to independent claims 1 and 30, the Office Action alleges that that Chmielewski discloses every claimed element. The Applicant respectfully submits that Chmielewski does not expressly or inherently disclose a multi-component absorbent core having a first absorbent core unit and a second absorbent core unit, where the first absorbent core unit is disposed laterally adjacent the second absorbent core unit, as recited in amended claims 1 and 30.

Claims 1 and 30 were amended to recite, respectively, an absorbent article and a method of making an absorbent article, where the absorbent article has a multi-component absorbent core composite that includes at least a first and second different absorbent core units, where the first absorbent core unit contains a mixture of tow fibers and superabsorbent polymer (SAP); and where the first absorbent core unit is disposed laterally adjacent to the second absorbent core unit. This amendment is supported by the Specification at page 43, lines 4 - 19, and Figure 4, which describe and show a multi-component absorbent core having three absorbent core units: a central absorbent core unit (288), located laterally adjacent two outer absorbent core units (286). As such, no new matter is introduced with this amendment.

Chmielewski discloses an absorbent garment having an absorbent core that is formed of one or more laminates, each laminate having three layers: an upper layer, a lower layer, and a central fibrous layer containing from about 50-95% by weight SAP. Chmielewski, col. 1, lines 4-9. Chmielewski discloses several configurations for a multi-component absorbent core. However, Chmielewski does not disclose an absorbent article having a multi-component absorbent core where one of the laminates is disposed laterally adjacent to another different laminate – rather, each of the Chmielewski multi-component absorbent cores includes a laminate positioned above or below another laminate. For example, Figure 4 shows an absorbent core that has an upper laminate (350) and a lower laminate (352). See *id.* at col. 9, lines 41-44. Figure 3 shows an absorbent core that has a central laminate (item 340) enveloped by a wrapping

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laminate (342). *See id.* at col. 8, lines 44-46. Figures 9A-9C show an absorbent core having an absorbent laminate positioned below an hourglass-shaped conventional pulp/SAP layer. *See id.* at col. 11, lines 4-26. Chmielewski also discloses that other non-SAP containing layers may be positioned above or below the absorbent core. *See id.* at col. 3, lines 11-16. However, none of the absorbent cores disclosed by Chmielewski have an absorbent laminate positioned laterally adjacent an additional laminate.

In summary, Chmielewski does not disclose an absorbent article having a multi-component absorbent core composite that includes at least a first and second different absorbent core units, where the first absorbent core unit is disposed laterally adjacent the second absorbent core unit, as recited in amended claims 1 and 30. Thus, Applicant respectfully submits that independent claims 1 and 30, and dependent claims 2-14, 17-29, 31-38, and 41-48 which depend therefrom, are not anticipated by Chmielewski. Therefore, the Applicant respectfully requests that the Examiner reconsider and withdraw the § 102 rejections of these claims.

2. Claims Rejections under 35 U.S.C. § 103

Claims 15-16, and 39-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chmielewski. Three criteria must be met to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations. *See* MPEP § 2142 *et seq.* The Applicant respectfully submits that Chmielewski does not teach or suggest all the claim limitations because Chmielewski does not teach or suggest a multi-component absorbent core composite that includes at least a first and second different absorbent core units, where the first absorbent core unit is disposed laterally adjacent the second absorbent core unit.

A multi-component absorbent core of the present invention has a plurality of absorbent core units can be uniquely designed to vary absorbent performance

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characteristics throughout the cross-sectional area, thereby improving the overall performance of the absorbent core. See Specification at page 15, lines 19-22. The Applicant has disclosed that one mechanism for improving the performance of the absorbent core involves positioning a first absorbent core unit laterally adjacent one or more second absorbent core units, where the first core unit has different absorbent properties or materials than the second core unit(s). For example, the absorbent article may have a central core unit positioned laterally between two outer core units. The central core unit may contain a material having good acquisition and storage properties, while the outer core units are designed for high wicking and storage, and less for acquisition. *Id.* at page 17, lines 13-26. The central core unit may contain an expensive SAP material, or different materials from the outer core units, or may contain the same materials as the outer units, in differing amounts or proportions. See *id.* at page 43, lines 13-19. Accordingly, independent claims 1 and 30 recite the feature whereby the absorbent article includes a multi-component absorbent core composite that includes at least a first and second different absorbent core units, where the first absorbent core unit is disposed laterally adjacent the second absorbent core unit. In contrast, Chmielewski teaches an absorbent core having one or more absorbent laminates that may be positioned above or below other components of the absorbent core, but Chmielewski does not teach an absorbent laminate positioned laterally adjacent another absorbent core component. In addition, Chmielewski does not teach or suggest varying the materials and/or properties laterally across the absorbent core.

The Applicant respectfully submits that claims 15-16, and 39-40 are patentable over Chmielewski because Chmielewski fails to teach or suggest a multi-component absorbent core composite that includes at least first and second different absorbent core units, where the first absorbent core unit is disposed laterally adjacent the second absorbent core unit, as recited in the pending claims. Therefore, the Applicant respectfully requests that the Examiner reconsider and withdraw the § 103 rejections with respect to claims 15-16, and 39-40.

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IV. CONCLUSION

The Applicant respectfully submits that the application is in condition for allowance. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,
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Dated: June 22, 2005

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